

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LUIS ALBERTO CHIARI,

Plaintiff,

-against-

Case No. 12-cv-0598 (SJF)(AKT)

NEW YORK RACING ASSOCIATION INC.,

STIPULATION AND ORDER
OF CONFIDENTIALITY

Defendant.

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IT IS HEREBY STIPULATED AND AGREED by and between the Parties, Plaintiff LUIS ALBERTO CHIARI and Defendant, THE NEW YORK RACING ASSOCIATION INC., (hereinafter "NYRA"), as set forth below:

1. The Parties may designate as "Confidential" any documents produced by the Parties in discovery in this case which contain confidential and/or personal medical or psychiatric information regarding the Plaintiff, including but not limited to medical/psychiatric records received by counsel for NYRA from third parties.

2. No designation of "Confidential" shall be made unless the designating Party believes in good faith that the designated matter be kept confidential and that the Party would consider this matter, in the absence of litigation, to be confidential.

3. No designation of "Confidential" shall be effective unless there is placed or affixed on each document or group of documents (in such manner as will not interfere with the legibility thereof) a stamped "CONFIDENTIAL" notice or the equivalent. Any "Confidential" designation which is inadvertently omitted may be corrected upon timely written notification to the opposing Party.

4. Material received by counsel for Defendant and provided by non-party medical/psychiatric providers in response to a subpoena or pursuant to an authorization is hereby designated by the Parties as "Confidential." If material is provided by other non-parties in response to a subpoena or pursuant to an authorization, any Party to this Stipulation may designate as "Confidential" document(s) provided in response to said subpoena upon written notice to the other Party and in accordance with the procedure set forth in Paragraph 2 or 3 herein above.

5. Material designated as "Confidential" may not be disclosed by Parties, counsel for a Party or any representative of counsel for a Party to anyone other than to the following: (i) the Court; (ii) counsel for the Parties in this action; (iii) professional employees of counsel for any or all of the Parties to this litigation (associate attorneys and paralegals assisting such counsel in this action); (iv) experts retained by the parties; (v) Plaintiff; (vi) in-house counsel, paralegal and Human Resources professionals of NYRA; and (vii) any other persons agreed to between the Parties.

6. Material designated as "Confidential" may be disclosed to those persons designated in paragraphs 5 (iv) and (vii) above if they: (a) have read this Stipulation; and (b) prior to the review of any "Confidential" material, agree to be bound by the terms hereof by signing the following statement: "I agree to be bound by the Stipulation of Confidentiality attached hereto as Exhibit A and understand its non-disclosure terms."

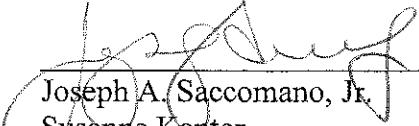
7. Nothing in this Stipulation prevents disclosure beyond the terms of this Stipulation of Confidentiality if the Party claiming confidentiality consents in writing to such disclosure, or if the Party seeking such disclosure, after timely notifying the other Parties, receives the approval of the Court.

8. Material designated as "Confidential" shall be used solely for the purposes of litigating this lawsuit. All Parties will return to the appropriate counsel or Party the material designated as "Confidential" at the close of this litigation.

9. The specification of appropriate safeguards concerning evidence at trial is specifically reserved for action by the Court or later agreement by the Parties at or before trial.

10. Nothing contained in this Stipulation shall be construed to prevent any Party from making application to the Court to revise the terms of this Stipulation and Order of Confidentiality.

Dated: 6/8, 2012

By: 

Joseph A. Saccoman, Jr.
Susanne Kantor
JACKSON LEWIS LLP
One North Broadway, Suite 1502
White Plains, New York 10601
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ATTORNEYS FOR DEFENDANT

Dated: 6/10/12, 2012

By: 

Luis Alberto Chiari
290 Tree Road
Centereach, New York 11720
(631) 374-5766
PLAINTIFF PRO SE

SO ORDERED:

A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATED: _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LUIS ALBERTO CHIARI,

EXHIBIT A

Plaintiff,

-against-

Case No. 12-cv-0598 (SJF)(AKT)

NEW YORK RACING ASSOCIATION INC.,

STIPULATION AND ORDER
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Defendant.

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I hereby state that I have read the Stipulation Of Confidentiality entered by the
Parties in the above-captioned case and agree to be bound by its terms.

Date: _____

Date: _____
